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11 Attorneys for Defendants
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SAMANTHA WANG, and IMAGE DEVICE INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 ATECH FLASH TECHNOLOGY INC. &
18 SUNUS SUNTEK INC.

19 Plaintiffs,

20 vs.

21 MARTIN C. LIN, YUSHAN WANG, A.K.A.
SAMANTHA WANG., AND IMAGE DEVICE
22 INC.

23 Defendants.

Case No.: C07 02949 PVT

**SECOND STIPULATED REQUEST TO
CONTINUE CASE MANAGEMENT
CONFERENCE AND [PROPOSED]
ORDER**

The Hon. Patricia V. Trumbull

25 Pursuant to Civil Local Rule 6-2, plaintiffs Atech Flash Technology Inc. and Sunus
26 Suntek Inc. and defendants Martin C. Lin, Yushan Wang, a.k.a. Samantha Wang, and Image
27 Device, Inc. hereby stipulate and request that this Court continue the initial case management
28

1 conference, presently set for October 16, 2007, to December 4, 2007 or until a reasonable time
2 after the Court's final disposition of its subject matter jurisdiction.

3 The parties jointly declare the following in support of this request:

4 WHEREAS, on September 18, 2007, the Court issued its order granting Defendants'
5 motion to dismiss for lack of subject matter jurisdiction, allowing Plaintiffs to file a First
6 Amended Complaint in this action on or by October 8, 2007;

7 WHEREAS, on September 18, 2007, the Court issued an order resetting the initial case
8 management conference to October 16, 2007, thus requiring the parties to complete their initial
9 disclosures and file their Rule 26(f) Report and Joint Case Management Statement by October 9,
10 2007;

11 WHEREAS, defendants Martin C. Lin, Yushan Wang, a.k.a. Samantha Wang, and Image
12 Device Inc. anticipate filing a motion to dismiss plaintiffs' First Amended Complaint for, *inter*
13 *alia*, lack of subject matter jurisdiction and any other reasonable grounds;

14 WHEREAS, on September 12, 2007, the Court referred this case to mediation to be
15 completed by December 11, 2007;

16 WHEREAS, all plaintiffs and defendants filed their written consents to proceed before a
17 United States Magistrate Judge on August 2, 2007;

18 WHEREAS, the requested continuance of the initial case management conference would
19 be in the agreed best interests of the parties and have no effect on the schedule for this case;

20 WHEREAS, it would best serve judicial economy for this Court to continue the initial
21 case management conference until after resolution of its subject matter jurisdiction in this action;

22 WHEREAS, the parties stipulated to a previous five (5) day enlargement of time for
23 defendants to respond to plaintiff's complaint and were granted one written request for a
24 stipulated continuance and one oral request for a stipulated continuance regarding the initial case
25 management conference while the Court considered Defendants' first motion under Fed. R. Civ.
26 P. 12(b)(1);

27 WHEREFORE plaintiffs Atech Flash Technology Inc. and Sunus Suntek Inc. and
28 defendants Martin C. Lin, Yushan Wang, a.k.a. Samantha Wang, and Image Device Inc. hereby
2

1 jointly stipulate and request that this Court continue the initial case management conference until
2 December 4, 2007 or until a reasonable time after the Court's final disposition of its subject
3 matter jurisdiction.

4
5 Dated: September 28, 2007

6 /s/ Yung-Ming Chou (by permission)
Yung-Ming Chou

7 Attorney for Plaintiffs
8 ATECH FLASH TECHNOLOGY INC. &
SUNUS SUNTEK INC.

9
10 Dated: September 28, 2007

11 JEFFREY K. LEE
SALLIE KIM
GCA LAW PARTNERS LLP

12 By: /s/ Jeffrey K. Lee
13 Jeffrey K. Lee

14 Attorneys for Defendants
15 MARTIN C. LIN, YUSHAN WANG, AKA
SAMANTHA WANG, and IMAGE
16 DEVICE INC.

17 **ORDER**

18 After consideration of the parties' Second Stipulated Request to Continue Case
19 Management Conference and [Proposed] Order and good cause appearing:

20 PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial case management
21 conference, previously set for October 16, 2007, has been rescheduled for December 4, 2007 at
22 2:00 p.m. before United States Magistrate Judge Patricia V. Trumbull. Parties are to appear in
23 courtroom #5, 4th floor of the United States Courthouse, 280 South First Street, San Jose,
24 California.

25
26 Dated: 10/1, 2007

27 Patricia V. Trumbull
Patricia V. Trumbull
United States Magistrate Judge